SINGLE BENCH

C.F. 4002 (S)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [C] NO. 69 /2007

PETITIONERS :-

1) Indrapal Jogi, S/o Shri Chamru Jogi, aged about 83 years, Social Worker, R/o Ward No. 01 Pandariya, Nagar Panchayat-Pandariya, District Kabeerdham [C.G.].

2] Ram Kumar Tandan S/o Shri Hem Rai Tandan, aged about 40 years, R/o ward No. 03, Pandariya, Nagar Panchayat- Pandariya, District Kabeerdham [C.G.].

3] Vikas Shukla S/o Shri Umesh Kumar Shukla, aged about 31 years, R/o Bazarpara, Pandariya, Nagar Panchayat – Pandariya, District Kabeerdham [C.G.].

4] Narendra Tiwari, S/o Late Shri Khedu Prasad Tiwari, aged about 35 years, R/o Ward No. 06, Pandariya, Nagar Panchayat-Pandariya, District Kabeerdham [C.G.].

P.R. No. 1437 Present by Sushma Chandel

VERSUS

RESPONDENTS :-

1] State of Chhattisgarh, Through-Secretary, Nagariya Prashasan Avam Vikas Department, Raipur [C.G.].

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2] Director, Nagariya Niyojan Avam Vikas, Raipur [C.G.].

3] Collector, Kabeerdham [C.G.]

4] Sub Divisional Officer, Pandariya, District Kabeerdham [C.G.]

OATH COMMISSIONER APARNA MALVIYA CG-2073/96 03/10/07 Bilaspur Chhattisgarh

5] Shri T.P. Sahu, Chief Municipal Officer [C.M.O.], Nagar Panchayat, Pandariya, Distt. Kabeerdham [CG]

6] Smt. Pushpa Devi Bhaskar, President Nagar Panchayat-Pandariya, District Kabeerdham [C.G.].

(2) (6)

7] Shri Devendra Pahadi, Sub-Engineer, Nagar Panchayat-Pandariya, District Kabeerdham [C.G.].

8] Shri Hari Singh Thakur, Moharir Avam Prabhari Lok Nirman Vibhag, Nagar Panchayat-Pandariya, District Kabeerdham [C.G.].

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.(C) 69/ **सन्** 200 7

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5-2-2007

Shri J.K. Shastri, counsel for the petitioners.

Shri Utkarsh Verma, Dy. Govt. Advocate and Shri Sumit Verma, Panel Lawyer for the State/respondents No.1 to 4.

None for respondents No.5 to 8.

Heard.

Petitioners are residents of village Pandariya. On their complaint an enquiry was conducted against respondents No.5 to 8 and thereafter, a fact finding report was submitted by the enquiring committee. Despite the matter being reported to the Director by the Collector, no action has been taken by respondents No.1 and 2 against the delinquent persons. Hence, this writ petition.

Respondents No.5 to 8 as alleged have committed irregularities and misappropriated the fund of Nagar Panchayat. This is not a Public Interest Litigation (PIL), but an individual petition. The grievances raised in the petition do not confer any right to the petitioners, for lodging this petition under Article 226 of the Constitution of India. For application under article 226 of the Constitution, it is necessary that there must be infringement of right of the petitioners liable to be enforced; therefore, petitioners have no *locus standi* to file the instant petition. If any embezzlement has been committed by any respondent, petitioners may lodge First Information Report (FIR) or file criminal complaint before the competent Court having jurisdiction in accordance with criminal law.

With the aforesaid observations, the petition stands disposed of.

Sd/-
V.K.Shrivastava
Judge